REMARKS

Upon entry of this amendment, claims 1, 3-15 and 38-39 are pending in the application. Claim 1 is an independent claim drawn to a sugar free composition, while claim 38 is an independent claim drawn to an oral hygiene product and claim 39 is an independent claim drawn to a weight reduction or cholesterol reducing product, respectively. The remaining claims depend from claims 1 or 16. Claims 16-35 have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 1, 9 and 38-39 have been amended to clarify the subject matter contained therein and to better reflect the subject matter that Applicant considers inventive.

Claims 9, 19-21, 24, 26, 30 and 32 stand rejected as being indefinite. Claims 1, 3-7, 10-15, 38 and 39 stand rejected as being anticipated by U.S. Patent No. 5,342,631 to Yatka et al.; claims 1, 3-5, 7-16, 18-20, 22-27, 30-35, 38 and 38 stand rejected as being anticipated by EP 0 273 001; and claims 1, 3, 4, 6-16, 18-19, 21-35, 38 and 39 stand rejected as being anticipated by U.S. Patent No. 4,778,676 to Yang et al. Claims 1, 3-7, 10-15, 38 and 39 stand rejected as being obvious over U.S. Patent No. 5,342,631 to Yatka et al.; claims 1, 3-5, 7-16, 18-20, 22-27, 30-35, 38 and 38 stand rejected as being obvious over EP 0 273 001; and claims 1,

3, 4, 6-16, 18-19, 21-35, 38 and 39 stand rejected as being obvious over U.S. Patent No. 4,778,676 to Yang et al.

Applicants respectfully traverse these rejections and respectfully request reconsideration and withdrawal thereof.

1. Rejection of Claims 9, 19-21, 24, 26, 30 and 32 Under 35 U.S.C. 112, Second Paragraph

Claims 9, 19-21, 24, 26, 30 and 32 stand rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter. The reasons for the rejections are set forth in the Office Action.

RESPONSE

Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

Applicants have amended claim 9 to depend from claim 8, which provides proper antecedent basis for the term "said viscosity improving agent." As such, Applicants have removed the basis for this rejection of claim 9.

Further, Applicants have canceled claims 16-37 without prejudice or disclaimer to the subject matter contained therein in order to focus on the above-claimed product. Thus, the rejection

of claims 19-21, 24, 26, 30 and 32 is rendered moot by the cancellation of the claims.

Accordingly, Applicants respectfully submit that the claims are now definite in scope, and respectfully request reconsideration and withdrawal of the rejections thereof.

2. Rejection of Claims 1-27, 29-35, 38 and 39

Over U.S. Patent No. 5,342,631

Claims 1, 3-7, 10-15, 38 and 39 stand rejected as being anticipated by, and as being obvious over, U.S. Patent No. 5,342,631 to Yatka et al. for the reasons set forth in the Office Action.

RESPONSE

Applicant respectfully traverses this rejection and respectfully requests reconsideration and withdrawal thereof.

To establish an anticipation rejection, every claimed element must be found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *See also*, MPEP § 2131. Applicant respectfully submits that the Examiner has not met this burden with respect to the anticipation

rejection.

Further, Applicants respectfully traverse the rejection of the claims being obvious over the '631 patent and requests reconsideration and withdrawal thereof.

The reference of record, the '631 patent, does not teach or suggest Applicants' inventive subject matter as a whole, as recited in the claims. Further, there is no teaching or suggestion in this reference which would lead the ordinary skilled artisan to modify the reference to derive the subject matter as defined in the amended claims.

The U.S. Supreme Court in *Graham v. John Deere Co.*, 148 U.S.P.Q. 459 (1966) held that non-obviousness was determined under § 103 by (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the art; and, (4) inquiring as to any objective evidence of nonobviousness.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) that some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all the claim limitations. Amgen, Inc. v. Chugai Pharm. Co., 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir.

1988); In re Wilson, 165 USPQ 494, 496 (C.C.P.A. 1970).

A *prima facie* case of obviousness must also include a showing of the reasons why it would be obvious to modify the references to produce the present invention. See Ex parte Clapp, 277 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The Examiner bears the initial burden to provide some convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings. Id. at 974.

Independent claim 1 is drawn to a sugar-free composition comprising: a mixture of at least two polyols present in an amount from about 15 to 80% by weight, with the polyols being hydrogenated starch hydrolysate and maltitol; an emulsifier system present in an amount from about 1.0 to 30% by weight; an active agent in an amount from about 0.1 to 70% by weight; water in an amount from 0 to 15% by weight; and optional components comprising colors, flavors and binders, wherein said ingredients in said sugar-free composition are present in an amount totaling 100%. Claims 38 and 39 also contain the limitations, *inter alia*, of the two polyols listed above and an emulsifier system. The remaining claims depend from either claim 1, and therefore contain all of the limitations found therein.

Thus, in order for the '631 patent to anticipate claims 1, 38

and 39 (and therefore, the claims that depend therefrom) the '631 patent must disclose all of the limitations set forth above. In particular, the '631 patent must disclose **the presence of** hydrogenated starch hydrolysate and maltitol **in the same composition. In addition, the claimed polyols must be present in the '631 patent in the amounts as claimed within each respective claim**. Applicants respectfully submit that the '631 patent fails to do so, and therefore do not anticipate the claims, nor renders the claims obvious.

The '631 patent discloses a petroleum wax-free chewing gum composition containing special noncariogenic oligosaccharides, sweeteners and flavors. The gum base contains from 10-90 weight percent elastomers, preferably 15-75 weight percent. However, Applicants respectfully submit that Haslwanter **does not disclose** the presence of **hydrogen starch hydrolysate and maltitol in the claimed amounts as indicated above**. Hydrogen starch hydrolysate is the discussed as a potential binder in the chewing gum of the '631 patent and maltitol is listed as a potential sweetener; however, Applicants respectfully submit that the '631 patent does not teach the claimed amounts of the HSH and maltitol as recited in the present independent claims. In particular, the '631 patent does not teach a particular combination of HSH and maltitol in the

specification of the patent. Applicants kindly draw the Examiner's attention to the Examples as disclosed in the '631 patent, where it can be seen that **none** of the Examples include a combination of HSH and maltitol. As such, the '631 patent fails to disclose a composition in which HSH and maltitol are combined.

Furthermore, as previously indicated, the '631 patent fails to teach the claimed amount of HSH and maltitol. The present independent claims recite that the mixture of HSH and matlitol is present in an amount of 15 to 80% by weight of the composition. The '631 patent does not disclose this limitation. Thus, the '631 patent fails to teach each of the claimed limitations and, as such, fails to anticipate the present claims. Accordingly, Applicants respectfully request reconsideration of the rejection of the claims as being anticipated by the '631 patent.

The Examiner also rejects claims 1, 3-7, 10-15, 38 and 39 as being obvious over the '631 patent. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

As is indicated above, the '631 patent fails to teach a composition in which HSH and maltitol are present together in the claimed amounts. The Examiner indicates that it would be obvious based on the '631 teachings to modify the amounts of the

ingredients in an attempt to achieve the present claims. Applicants respectfully disagree. Applicants respectfully submit that this is a wholly different invention than that which is claimed in the present application. MPEP §2141.02 says that "[a] prior art reference **must be considered in its entirety, i.e., as a whole**, including positions that would lead away from the claimed invention." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). (Emphasis added and in original). Applicants respectfully submit that, when taken **as a whole**, the '631 patent fails to render obvious the claims.

The present claims are directed to a soft-chew product. It is clear from reading the present specification that the present invention is directed a soft chew composition which may contain, at most, up to 10% of a viscosity enhancer such as guar gum. The disclosure of the '631 patent, on the other hand, is direct to a wax-free chewing gum. Applicants submit that one of ordinary skill in the art of soft chews would **not** look to a gum patent in order to attempt to combine ingredients to achieve a soft chew composition. In particular, Applicants submit that the chemistry involved with chewing gums is different than for a soft chew composition, and as such, there would be no motivation to change the recipes in the

'631 patent to attempt to achieve the presently claimed subject matter. In particular, the '631 patent is concerned with ingredients that are compatible with the non-wax chewing gum base (the gum base is comprised of elastomeric material, which is **not** present in the instant claims). There is no teaching or suggestion of using only HSH and maltitol, in combination with an emulsifier system and an active ingredient, as presently claimed. In other words, one of ordinary skill in the art would not be lead to leave out the wax-free gum base of the '631 patent in an attempt to achieve the presently claimed invention.

As is indicated in the present specification, the mixture of polyols acts synergistically to provide the base for the presently claimed composition. There is no indication in the '631 patent of the synergistic action provided by HSH and maltitol.

As such, Applicants respectfully submit that the present claims are not obvious over the '631 patent and respectfully request reconsideration and withdrawal of the rejection.

Accordingly, Applicants respectfully submit that the claims are not anticipated by, nor obvious over, the '631 patent, and request reconsideration and withdrawal the rejections thereof.

3. Rejection of Claims 1, 3-5, 7-16, 18-20, 22-27, 30-35 and 38-39 Over EP 0 273 001

Claims 1, 3-5, 7-16, 18-20, 22-27, 30-35 and 38-39 stand rejected as being anticipated by, and as being obvious over, EP 0 273 001 for the reasons set forth in the Office Action.

RESPONSE

Applicant respectfully traverses this rejection and respectfully requests reconsideration and withdrawal thereof.

To establish an anticipation rejection, every claimed element must be found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *See also*, MPEP § 2131. Applicant respectfully submits that the Examiner has not met this burden with respect to the anticipation rejection.

Further, Applicants respectfully traverse the rejection of the claims being obvious over the '001 patent and requests reconsideration and withdrawal thereof.

The reference of record, the '001 patent, does not teach or suggest Applicants' inventive subject matter as a whole, as recited in the claims. Further, there is no teaching or suggestion in this

reference which would lead the ordinary skilled artisan to modify the reference to derive the subject matter as defined in the amended claims.

The U.S. Supreme Court in *Graham v. John Deere Co.*, 148 U.S.P.Q. 459 (1966) held that non-obviousness was determined under § 103 by (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the art; and, (4) inquiring as to any objective evidence of nonobviousness.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) that some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all the claim limitations. Amgen, Inc. v. Chugai Pharm. Co., 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); In re Wilson, 165 USPQ 494, 496 (C.C.P.A. 1970).

A *prima facie* case of obviousness must also include a showing of the reasons why it would be obvious to modify the references to produce the present invention. See Ex parte Clapp, 277 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The Examiner bears the initial burden to provide some convincing line of reasoning as to why the

artisan would have found the claimed invention to have been obvious in light of the teachings. Id. at 974.

As an initial matter, Applicants have canceled claims 16-37, thus the rejection of the canceled claims is moot.

Independent claim 1 is drawn to a sugar-free composition comprising: a mixture of at least two polyols present in an amount from about 15 to 80% by weight, with the polyols being hydrogenated starch hydrolysate and maltitol; an emulsifier system present in an amount from about 1.0 to 30% by weight; an active agent in an amount from about 0.1 to 70% by weight; water in an amount from 0 to 15% by weight; and optional components comprising colors, flavors and binders, wherein said ingredients in said sugar-free composition are present in an amount totaling 100%. Claims 38 and 39 also contain the limitations, *inter alia*, of the two polyols listed above and an emulsifier system. The remaining claims depend from either claim 1, and therefore contain all of the limitations found therein.

Thus, in order for the '001 patent to anticipate claims 1, 38 and 39 (and therefore, the claims that depend therefrom) the '001 patent must disclose all of the limitations set forth above. In particular, the '001 patent must disclose **the presence of** hydrogenated starch hydrolysate and maltitol **in the same**

composition. In addition, the claimed polyols must be present in the '001 patent in the amounts as claimed within each respective claim. Applicants respectfully submit that the '001 patent fails to do so, and therefore do not anticipate the claims, nor renders the claims obvious.

The '001 patent discloses a soft, sugarless **aerated** confectionary composition. The composition is specifically directed to a nougat. Nougats are **aerated confectionery compositions**, well known in the art, which have a relatively high moisture content. Nougats have a density that "largely depends on a **frappe element** and texture on a syrup element along with its subsequent crystallization." (Page 2, lines 3-5, emphasis added). Thus, the '001 patent discloses confectionery compositions **that are aerated** in order to obtain their desired consistency and density, and as such, do not teach the presently claimed subject matter. In particular, the '001 patent does not teach a particular combination of HSH and maltitol in the specification of the patent. Applicants kindly draw the Examiner's attention to the Examples as disclosed in the '001 patent, where it can be seen that **none** of the Examples include a combination of HSH and maltitol. As such, Applicants submit that the '001 patent fails to disclose a composition in which HSH and maltitol are combined.

Furthermore, as previously indicated, the '001 patent fails to teach the claimed amount of HSH and maltitol. The present independent claims recite that the mixture of HSH and matlitol is present in an amount of 15 to 80% by weight of the composition. The '001 patent does not disclose this limitation. Thus, the '001 patent fails to teach each of the claimed limitations and, as such, fails to anticipate the present claims. Accordingly, Applicants respectfully request reconsideration of the rejection of the claims as being anticipated by the '001 patent.

The Examiner also rejects claims 1, 3-5, 7-16, 18-20, 22-27, 30-35 and 38-39 as being obvious over the '001 patent. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

As is indicated above, the '001 patent fails to teach a composition in which HSH and maltitol are present together in the claimed amounts. The Examiner indicates that it would be obvious based on the '001 teachings to modify the amounts of the ingredients in an attempt to achieve the present claims. Applicants respectfully disagree.

As is indicated above, the '001 patent is directed to an **aerated confectionary composition**. Applicants respectfully submit that this is a wholly different invention than that which is

claimed in the present application. MPEP §2141.02 says that "[a] prior art reference **must be considered in its entirety, i.e., as a whole**, including positions that would lead away from the claimed invention." *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). (Emphasis added and in original). Applicants respectfully submit that, when taken **as a whole**, the '001 patent fail to render obvious the claims.

The Examiner indicates where various limitations of the present claims might be found in the '001 patent. However, Applicants respectfully submit that there is no motivation within the '001 patent to take the individual limitations and attempt to combine them to achieve the presently claimed invention. Taken as a whole, the reference is directed to an **aerated** confectionery product, which is different from the present invention. The Examiner relies on a laundry list of potential ingredients, arguing that it would have been obvious to change the weight percentages in order to attempt to achieve the present claims. Even the examples, though, **are directed to an aerated confectionery composition**. One of skill in the art of confectionery compositions would not attempt to make the nougats of the '001 patent **without the frappe (aerated) component**. In other words, there is no motivation to leave the

frappe component out of the '001 patent. Thus, it would not be feasible for one of skill in the art to achieve the present claims based on the teachings of the '001 patent.

Therefore, Applicants respectfully submit that there is no motivation within the '001 patent to modify it in an attempt to achieve the presently claimed subject matter as the '001 patent is directed to a wholly different invention than the present claims. Thus, the Examiner has failed to meet the burden of proving a *prima facie* case of obviousness.

As such, Applicants respectfully submit that the present claims are not obvious over the '001 patent and respectfully request reconsideration and withdrawal of the rejection.

Accordingly, Applicants respectfully submit that the claims are not anticipated by, nor obvious over, the '001 patent, and request reconsideration and withdrawal the rejections thereof.

4. Rejection of Claims 1, 3-4, 6-16, 18-19, 21-35 and 38-39 Over U.S. Patent No. 4,778,676

Claims 1, 3-4, 6-16, 18-19, 21-35 and 38-39 stand rejected as being anticipated by, and as being obvious over, U.S. Patent No. 4,778,676 for the reasons set forth in the Office Action.

RESPONSE

Applicant respectfully traverses this rejection and respectfully requests reconsideration and withdrawal thereof.

To establish an anticipation rejection, every claimed element must be found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 814 F2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); *See also*, MPEP § 2131. Applicant respectfully submits that the Examiner has not met this burden with respect to the anticipation rejection.

Further, Applicants respectfully traverse the rejection of the claims being obvious over the '676 patent and requests reconsideration and withdrawal thereof.

The reference of record, the '676 patent, does not teach or suggest Applicants' inventive subject matter as a whole, as recited in the claims. Further, there is no teaching or suggestion in this reference which would lead the ordinary skilled artisan to modify the reference to derive the subject matter as defined in the amended claims.

The U.S. Supreme Court in *Graham v. John Deere Co.*, 148 U.S.P.Q. 459 (1966) held that non-obviousness was determined under § 103 by (1) determining the scope and content of the prior art;

(2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the art; and, (4) inquiring as to any objective evidence of nonobviousness.

To establish a *prima facie* case of obviousness, the Examiner must establish: (1) that some suggestion or motivation to modify the references exists; (2) a reasonable expectation of success; and (3) that the prior art references teach or suggest all the claim limitations. Amgen, Inc. v. Chugai Pharm. Co., 18 USPQ2d 1016, 1023 (Fed. Cir. 1991); In re Fine, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988); In re Wilson, 165 USPQ 494, 496 (C.C.P.A. 1970).

A *prima facie* case of obviousness must also include a showing of the reasons why it would be obvious to modify the references to produce the present invention. See Ex parte Clapp, 277 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). The Examiner bears the initial burden to provide some convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings. Id. at 974.

As an initial matter, Applicants have canceled claims 16-37, thus the rejection of the canceled claims is moot.

Independent claim 1 is drawn to a sugar-free composition comprising: a mixture of at least two polyols present in an amount

from about 15 to 80% by weight, with the polyols being hydrogenated starch hydrolysate and maltitol; an emulsifier system present in an amount from about 1.0 to 30% by weight; an active agent in an amount from about 0.1 to 70% by weight; water in an amount from 0 to 15% by weight; and optional components comprising colors, flavors and binders, wherein said ingredients in said sugar-free composition are present in an amount totaling 100%. Claims 38 and 39 also contain the limitations, *inter alia*, of the two polyols listed above and an emulsifier system. The remaining claims depend from either claim 1, and therefore contain all of the limitations found therein.

Thus, in order for the '676 patent to anticipate claims 1, 38 and 39 (and therefore, the claims that depend therefrom) the '676 patent must disclose all of the limitations set forth above. In particular, the '676 patent must disclose **the presence of** hydrogenated starch hydrolysate and maltitol **in the same composition. In addition, the claimed polyols must be present in the '676 patent in the amounts as claimed within each respective claim**. Applicants respectfully submit that the '676 patent fails to do so, and therefore do not anticipate the claims, nor renders the claims obvious.

The '676 patent discloses a chewable delivery system for

actives comprising an active pre-coated with at least one material selected from the group consisting of lecithin, polyoxyalkylenes having chain lengths of about 4 carbons or less, glycerides, polyalkyleneglycols having a molecular weight of 3,700 or less, synthetic and natural waxes and mixtures thereof and a confectionery matrix comprising a binder system comprising gelatin and a humectant material. Thus, the '676 patent discloses compositions **in which gelatin and a humectant (preferably glycerin) are required** in order to obtain the desired consistency and density, and as such, does not teach the presently claimed subject matter. In particular, the '676 patent does not teach a particular combination of HSH and maltitol in the specification of the patent. In fact, maltitol is not discussed within the '676 patent. Applicants kindly draw the Examiner's attention to the Examples as disclosed in the '676 patent, where it can be seen that **none** of the Examples include a combination of HSH and maltitol. As such, Applicants submit that the '676 patent fails to disclose a composition in which HSH and maltitol are combined.

Furthermore, as previously indicated, the '676 patent fails to teach the claimed amount of HSH and maltitol. The present independent claims recite that the mixture of HSH and matlitol is present in an amount of 15 to 80% by weight of the composition. The

'676 patent does not disclose this limitation. Thus, the '676 patent fails to teach each of the claimed limitations and, as such, fails to anticipate the present claims. Accordingly, Applicants respectfully request reconsideration of the rejection of the claims as being anticipated by the '676 patent.

The Examiner also rejects claims 1, 3-4, 6-16, 18-19, 21-35 and 38-39 as being obvious over the '676 patent. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

As is indicated above, the '676 patent fails to teach a composition in which HSH and maltitol are present together in the claimed amounts. The Examiner indicates that it would be obvious based on the '676 teachings to modify the amounts of the ingredients in an attempt to achieve the present claims. Applicants respectfully disagree.

As is indicated above, the '676 patent is directed to an **composition in which gelatin and glycerin are the preferred binders**. Applicants respectfully submit that this is a wholly different invention than that which is claimed in the present application. MPEP §2141.02 says that "[a] prior art reference **must be considered in its entirety, i.e., as a whole**, including positions that would lead away from the claimed invention." *W.L.*

Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). (Emphasis added and in original). Applicants respectfully submit that, when taken **as a whole**, the '676 patent fail to render obvious the claims.

The Examiner indicates where various limitations of the present claims might be found in the '676 patent. However, Applicants respectfully submit that there is no motivation within the '676 patent to take the individual limitations and attempt to combine them to achieve the presently claimed invention. In particular, nowhere within the '676 patent is maltitol discusses, especially not in the examples. The Examiner relies on a laundry list of potential ingredients, arguing that it would have been obvious to change the weight percentages in order to attempt to achieve the present claims. One of skill in the art of confectionery compositions would not attempt to make the compositions of the '676 patent without the gelatin and glycerin binder system. In other words, there is no motivation to modify the '676 patent. Thus, it would not be feasible for one of skill in the art to achieve the present claims based on the teachings of the '676 patent.

Therefore, Applicants respectfully submit that there is no

motivation within the '676 patent to modify it in an attempt to achieve the presently claimed subject matter as the '676 patent is directed to a wholly different invention than the present claims. Thus, the Examiner has failed to meet the burden of proving a *prima facie* case of obviousness.

As such, Applicants respectfully submit that the present claims are not obvious over the '676 patent and respectfully request reconsideration and withdrawal of the rejection.

CONCLUSION

In view of the foregoing, applicants respectfully request the Examiner to reconsider and withdraw the all pending rejections, and to allow all of the claims pending in this application.

If the Examiner has any questions or comments regarding this matter, he is welcomed to contact the undersigned attorney at the below-listed number and address.

Respectfully submitted,
NATH & ASSOCIATES

Date: January 13, 2005

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